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Docket No. 28110/36120D

SEP 15 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Chadwick, et al.	CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8
Serial No: 09/905,589	I hereby certify that this correspondence is being facsimile transmitted to Examiner Phuong N. Huynh, Group Art Unit 1644, Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile no. 703.872.9306 on:
Filed: July 13, 2001	Date: September 15, 2004
For: METHODS AND COMPOSITIONS RELATING TO CD-39-LIKE POLYPEPTIDES AND NUCLEIC ACIDS	Name of Person Signing: Renée S. Polizotto
Examiner: Phuong N. Huynh	 Signature of Person Signing
Group: 1644	

## DECLARATION OF WALTER FUNK, Ph.D., UNDER 37 C.F.R. § 1.132

Examiner Phuong N. Huynh  
Group Art Unit 1644  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Examiner Huynh:

I, Walter Funk, Ph.D., hereby declare as follows that:

1. I received a doctoral degree in Biochemistry from the University of British Columbia. Since receiving my Ph.D., I have been employed by Geron Corp. and Nuvelo, Inc. as a scientist and manager in the area of Molecular Biology and Genomics. I am currently Vice President of Research at Nuvelo, Inc.
2. I have reviewed the specification of the above-identified application and make statements in this declaration to address the invention of the CD39L2 antibody

that binds a polypeptide of SEQ ID NO: 2 described and claimed in the above-identified application.

3. The inventions of the instant application and U.S. Patent No. 6,476,211 (the '211 patent) were under obligation of assignment to Hyseq Inc. at the time of filing. The parent application of the instant application, 09/240,639 now U.S. Patent 6,350,447 in which all of the subject matter of the instant application is contained, was subsequently assigned to Hyseq, Inc. (now Nuvelo, Inc.) as was the '211 patent; therefore, the inventions of the instant application (U.S. Serial No. 09/905,744) and the '211 patent are commonly assigned to Hyseq, Inc. (now Nuvelo, Inc.). Therefore, any invention disclosed but not claimed in the '211 patent was derived from the inventors of the instant application and is thus not an invention by another.

4. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Date: 9.15.04



Walter Funk, Ph.D.